

Appl. No. 09/765,762
Amdt. dated November 17, 2003
Reply to Office Action of July 21, 2003

REMARKS/ARGUMENTS

In the Office Action, it was stated that claims 2, 3 and 6 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species. Claims 2, 3 and 6 are canceled by this amendment in view of their being presented in a divisional application.

Claims 8 and 12 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement because of a contradictory statement appearing in claim 7. Claim 7 is corrected by this amendment to conform with claims 8 and 12, thereby to overcome this ground of rejection.

Claims 7-13 were rejected under 35 USC 102(b) as being anticipated by Kobayashi (EP 0 386 922) on the grounds set forth in the Office Action. These claims are believed to have allowable subject matter in view of the following argument.

In the currently amended claim 7, the language "a front drive shaft" is changed to --an input shaft (31)-- as shown in Fig. 7. Furthermore, near the end of the first paragraph, there is inserted --via a front drive shaft--, as is also shown in Fig. 7. The terminology set forth in claim 7 now conforms to the terminology of claims 8 and 12.

The last paragraph of claim 7 is amended to state that the manual transmission has an auxiliary front transmission case provided in a front position of the transmission case to receive additional gears on the main shaft and on the counter shaft for realizing a multiple speed ratio transmission.

The foregoing revision of the last paragraph of claim 7 clearly sets forth that, in the invention, the auxiliary front transmission case (1) provided in a front portion of the transmission case (4) has a specific function of receiving additional gears for realizing a multiple speed ratio transmission. This language overcomes the Examiner's point (paragraph linking pages 4 and 5 of the Office Action) by positively stating the additional gears plus avoidance of "only recite the capability". Therefore, the Examiner should consider fully this feature of the invention.

Present Fig. 4 clearly shows the offsetting of the countershaft 12 and the front drive shaft 44 widthwise relative to the main shaft 11 as called for by present claims 8 and 12. There is no corresponding teaching in the cited Kobayashi. Accordingly, claims 8 and 12 are believed to recite allowable subject matter.

It is intended to have an interview with the Examiner to verify that the present claim language is acceptable, can be interpreted as shown in Fig. 4, and overcomes objections and rejections raised by the Examiner.

It is noted also that the emendation to claims 8 and 12 may be understood as --said counter shaft is staggeredly offset in a


radial direction of said main shaft and said front drive shaft is staggeredly offset in an other radial direction of said main shaft.-- This emphasizes the distinction over Kobayashi.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.


Respectfully submitted,
Keisuke Shibuya

by: 
MARTIN A. FARBER
Attorney for Applicant
Registered Representative
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on November 17, 2003.

Dated: November 17, 2003


Martin A. Farber

866 United Nations Plaza
Suite 473
New York, NY 10017
(212) 758-2878